

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 1182/2006
(Lalit Kumar Vs. State of Rajasthan & Anr.)

Date of Order : 11/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Shyam S. Khatri for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 29.7.2003 passed by Additional Chief Judicial Magistrate No.4, Bikaner (for short 'the trial court' hereinafter) whereby the trial court took the cognizance of the offence under Section 500 IPC against the petitioner and issued process.

I have heard learned counsel for the petitioner and carefully gone through the order impugned.

From the perusal of the order impugned, it appears that apart from the complainant, there are other witnesses namely Ashok and Mahendra Singh who supported the case of the complainant.

Learned counsel for the petitioner submits that on

the relevant date, the complainant appeared in Court cases and therefore, no such occurrence took place and therefore, wishes to rely on some documents. The documents which are not the part of complaint cannot be looked into at the stage of taking cognizance in view of decision of Hon'ble Supreme Court in State of Orissa Vs. Debendra Nath Padhi, JT 2004 (10) SC 303. It is always open for the accused to produce the documents, if any, on which he relies when he enters in defence.

The criminal misc. petition is, therefore, dismissed.

(H.R.PANWAR),J.

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